

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Justin Huang	Team: Squad #4	CCRB Case #: 201909955	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 11/05/2019 11:13 PM	Location of Incident: 42nd Precinct station house	Precinct: 42	18 Mo. SOL 5/5/2021	EO SOL 12/20/2021	
Date/Time CV Reported Thu, 11/07/2019 12:00 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Fri, 11/15/2019 9:08 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 James Simpson	2444	943420	NARCBBX

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Paul Zaino	04702	926336	NARCBBX

Officer(s)	Allegation	Investigator Recommendation
A.DT3 James Simpson	Abuse: Detective James Simpson threatened § 87(2)(b) with the use of force.	

Case Summary

On November 7th, 2019, § 87(2)(b) filed this complaint with IAB. On November 15th, 2019, the CCRB received this complaint via IAB Log 2019-40787.

On November 5th, 2019, at approximately 11:13PM, § 87(2)(b) was arrested for § 87(2)(b) and was transported to the 42nd Precinct stationhouse. While at the station house, Det. Simpson, from Bronx Narcotics, allegedly told § 87(2)(b) "If you were to ever out them, I will personally come and get you myself. I will personally come and see you," (**Allegation A: Abuse of Authority, § 87(2)(g)**).

§ 87(2)(b) was arrested for § 87(2)(b) as a result of this incident (**BR 01**).

There is no BWC footage of the incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective James Simpson threatened § 87(2)(b) with the use of force.

On November 5, 2019, at approximately 11:13 PM, § 87(2)(b) (**BR 02**) was arrested after buying crack from two undercover police officers. Det. Simpson arrested § 87(2)(b) and escorted him to a police van. § 87(2)(b) was transported to the 42nd Precinct stationhouse. At the stationhouse, § 87(2)(b) told Det. Simpson that he could identify the two undercover officers. Det. Simpson replied and said something along the lines of, "If you were to ever out them, I will personally come and see you." § 87(2)(b) understood this to be a threat of physical force against him.

Det. Simpson (**BR 03**) stated that he transported § 87(2)(b) to the 42nd Precinct station house. § 87(2)(b) was lodged in a holding cell. Det. Simpson later went to take § 87(2)(b) out of his cell and bring him to central booking. § 87(2)(b) became agitated and told Det. Simpson that he knew who the undercover officer was and that he would "fuck him up." Det. Simpson replied, "You've been good all night. No, you're not, you're not going to do that." Det. Simpson denied telling § 87(2)(b) that he would "come deal with him" if he outed the undercover officer. Det. Simpson did not hear any other officer make that statement to § 87(2)(b).

Det. Zaino (**BR 04**) was Det. Simpson's partner. Det. Zaino did not remember telling § 87(2)(b) that he would "deal with him" if he outed the undercover officer and he did not remember hearing any other officer make that statement.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (**BR 05**).
- Det. Simpson has been a member of service for fourteen years and has been a subject in four cases with nine allegations.
 - Case 200904056 involved substantiated allegations of a stop and a frisk. The Board recommended Command Discipline for both allegations and the NYPD imposed instruction for both allegations. § 87(4-b), § 87(2)(g)

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§ 87(4-b), § 87(2)(g)

○ § 87(2)(g)

Mediation, Criminal, and Civil Histories

- This complaint was not suitable for mediation.
- On February 26th, 2020, a FOIL request was sent to the Office of the Comptroller. Results will be attached upon receipt (**BR 06**).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**BR 07**).

Squad No.: 4

Investigator:	<u>Justin Huang</u>	<u>Investigator Huang</u>	<u>03/03/2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Raquel Velasquez</u>	<u>IM Raquel Velasquez</u>	<u>03/03/2021</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date